

IAP13 Rec'd PCT/PTO 12 FEB 2007

ATTORNEY DOCKET NUMBER

46594-0004-01-US

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**U.S. APPLICATION NO. If known, see 37 CFR 1.5
Not Yet Known

INTERNATIONAL APPLICATION NO.

PCT/US2004/035011

INTERNATIONAL FILING DATE

21 October 2004 (21.10.2004)

PRIORITY DATE CLAIMED

21 October 2003 (21.10.2003)

TITLE OF INVENTION

NEUROPROTECTION WITH BETA-LACTAM COMPOUNDS

APPLICANT(S) FOR DO/EO/US

Jeffrey D. ROTHSTEIN; Dorothy CHUNG

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has not expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or a declaration of the inventor(s) (35 U.S.C. 371 (c)(4))
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76. (Amended)
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

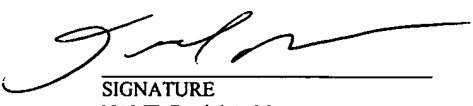
page 1 of 2

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this paper, along with any documents referred to as being enclosed therewith, is being deposited with the United States Postal Service on March 22, 2006 in an envelope as "Express Mail No. EV 299887282 US, Express Mail Box PCT, Commissioner for Patents, Alexandria, VA 22313.

DENISE M. COLLINS

PHIP527429\1

U.S. APPLICATION (If known, see 37 CFR 1.5) Not Yet Known		INTERNATIONAL APPLICATION NO. PCT/US2004/035011		ATTORNEY DOCKET NUMBER 46594-0004-01-US	
				Calculations	PTO use only
The following fees are submitted: 21. <input type="checkbox"/> Basic national Fee..... \$ 300.00 22. <input type="checkbox"/> Examination Fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$ 100.00 All other situations \$ 200.00 23. <input type="checkbox"/> Search Fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$ 100.00 International Search Report prepared and provided to the Office \$ 400.00 All other situations \$ 500.00 TOTAL OF 21, 22 and 23 =					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
* - 100 =	*/50 =	*	× \$250.00	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	* - 20 =	0	X \$50.00	\$	
Independent claims	* - 3 =	0	X \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$65.00	
SUBTOTAL =					
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$65.00	
02/15/2007 MKAYPAGH 00000088 500573 10576670 01 FC:2617 65.00 DA				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-0573</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0573</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Daniel A. Monaco, Esquire DRINKER BIDDLE & REATH LLP One Logan Square, 18 th & Cherry Streets Philadelphia, PA 19103-7595 Tel.: (215) 988.3312					
				SIGNATURE  NAME: <u>Daniel A. Monaco</u> REGISTRATION NUMBER: <u>30,480</u> DATE: February 12, 2007	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ACTING AS THE DESIGNATED/ELECTED OFFICE

In Re Patent Application Of: Jeffrey D. Rothstein, *et al.*

Application No.: 10/576,670
(International Application No. PCT/US2004/035011)

Filed: --
(International Filing Date: 21 October 2004)

Customer No.: 23973

Title: NEUROPROTECTION WITH BETA-LACTAM
COMPOUNDS

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE U.S. DESIGNATED/ELECTED OFFICE**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is in response to the Notification of Missing Requirements Under 35 U.S.C. 371
("Notification") mailed January 3, 2007.

<p align="center">CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.10</p> <p>EXPRESS MAIL Mailing Label Number: <u>EV199887828US</u></p> <p>Date of Deposit: <u>2/12/07</u></p> <p>I hereby certify that this correspondence, along with any paper referred to as being attached or enclosed, and/or fee, is being deposited with the United States Postal Service, "EXPRESS MAIL-POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10, on the date indicated above, and addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p align="right"><u>[Signature]</u> Signature of person mailing page:</p> <p align="right"><u>Denise Collins</u> Type or print name of person</p>

The following documents are submitted herewith:

1. Copy of the Notification; and
2. Declaration executed by all inventors;

Please charge deposit account No. 50-0573 \$65.00 in satisfaction of the surcharge for providing the Oath or Declaration later than thirty months from the priority date.

No further fee is believed due in response to the Notification. However, if a fee is due, please charge the same to deposit account No. 50-0573.

Respectfully submitted,

JEFFREY D. ROTHSTEIN, *et al.*

BY 

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Attorney for Applicants



UNITED STATES PATENT AND TRADEMARK OFFICE

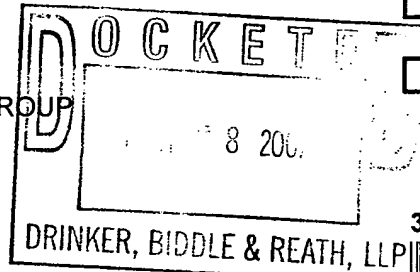
225353

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/576,670	Jeffrey D. Rothstein	46594-0004-01-US

23973

DRINKER BIDDLE & REATH
 ATTN: INTELLECTUAL PROPERTY GROUP
 ONE LOGAN SQUARE
 18TH AND CHERRY STREETS
 PHILADELPHIA, PA 19103-6996



INTERNATIONAL APPLICATION NO.

PCT/US04/35011

I.A. FILING DATE

10/21/2004

PRIORITY DATE

10/21/2003

CONFIRMATION NO. 5779

371 FORMALITIES LETTER



Date Mailed: 01/03/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/21/2006
- Copy of the International Search Report filed on 04/21/2006
- Information Disclosure Statements filed on 04/21/2006
- Small Entity Statement filed on 04/21/2006
- Request for Immediate Examination filed on 04/21/2006
- U.S. Basic National Fees filed on 04/21/2006
- Priority Documents filed on 04/21/2006
- Specification filed on 04/21/2006
- Claims filed on 04/21/2006
- Abstracts filed on 04/21/2006
- Drawings filed on 04/21/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/576,670	PCT/US04/35011	46594-0004-01-US